

E-COURT MEETING MINUTES

E-COURT

A Subcommittee of the Commission on Technology

Friday, January 16, 2009

9:30 AM - 11:30 AM

ARIZONA SUPREME COURT
Administrative Office of the Courts
1501 W. Washington
Phoenix, AZ 85007

CONFERENCE ROOM 107

AUDIO PHONE NUMBER: (602) 452-3193

AUDIO ACCESS CODE: 1112

MEMBERS PRESENT

Andrew Hurwitz, *Chair*
Robert Brutinel*, *General Jurisdiction*
Diane Drain*, *State Bar*
Karl Heckart, *AOC*
Donald Jacobson*, *Court Administrators*
Sheri Newman, *Clerks*

GUESTS

Rich McHattie, *Maricopa COSC*

MEMBERS ABSENT

Dennis Lusk, *Limited Jurisdiction*
Michael Jeanes, *Clerks*

AOC STAFF

Theresa Barrett, *CSD*
Stewart Bruner, *ITD*
Jennifer Greene, *Legal*
Melinda Hardman, *CSD*
Mark Meltzer, *CSD*
Amy Wood, *CSD*

* indicates appeared by telephone

WELCOME AND OPENING REMARKS

Justice Hurwitz

Justice Andrew Hurwitz, Chair, called the e-Court meeting to order at 9:30 a.m. After those on the phone and in the room introduced themselves for the record, he briefly described the first topic on the agenda and its importance to electronic filing.

UPDATE

RULE 123 AND DATA DISSEMINATION CHANGES

Melinda Hardman

In the absence of Michael Jeanes, chair of the Advisory Committee on Supreme Court Rule 123 and Data Dissemination, staff member Melinda Hardman provided some brief background to the work of the committee then outlined the major proposed changes, as follow:

- Provide three levels of remote electronic access to case records with safeguards such as registration, payment of a fee, and limitations on access to some types of case records;
- Require that courts and clerks clearly and prominently display the current charge disposition for cases made available online;
- Allow case records and case management system data to be removed from online display pursuant to the applicable records retention schedule period, or after twenty-five years;
- Allow case records and case management system data to be preserved electronically as long as needed so courts may conduct research;
- Require filers in civil cases to refrain from including social security numbers, financial account numbers, and other protected personal information; and
- Grant immunity from suit to clerks of court, court employees, and entities who deal with case records relating to the electronic posting of case documents containing sensitive data that parties have failed to redact.

For some of the changes, Melinda also shared the rationale the committee employed when formulating their suggestions. She mentioned that a workgroup will draft a new public records code section and assist technologists in building the system that provides the remote electronic access to case records. There is no talk of removing access to documents at the clerk's office.

The proposed changes are have been posted on the Court Rules Forum at <http://www.dnnsupremecourt.state.az.us> as R-08-0039 and being publicized widely to stakeholders. Justice Hurwitz outlined the overall process and timeline of enacting rules changes. He reiterated to members the importance of sharing any concerns they have with the committee by using the rules comment forum.

UPDATE

STATEWIDE E-FILING PROGRESS AND NEXT STEPS

Karl Heckart

Karl Heckart brought members up to date with activities related to obtaining a contract with the AJC-approved vendor for statewide electronic case filing. He reminded members that the contract, once signed, will cover AOC's use of a "software as a service" offering, in which the court installs and uses the vendor's intellectual property. Karl mentioned that the historic strengths of the vendor relating to "smart forms," is leading to a rethinking in the priority of case types that will be opened for electronic filing. Initial thinking of pursuing the simple routing of header information and attached documents to the correct court is giving way to tackling form-based case types in superior court and justice courts. AOC is working to line up Maricopa Superior and Maricopa Justice Courts as pilots. Another consideration is the vendor's

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inexperience with appellate e-filing which could delay activities in that area slightly. Justice Hurwitz added that the pilot of criminal case e-filing by the Attorney General's Office into the Supreme Court Clerk's Office is going very well.

Karl shared several other considerations that factor into the determination of priorities and pricing by court type and filing type. The issues are complex, the waters uncharted, and many decisions still remain. Ultimately, a technical team and subject area teams will be formed to assist with development, overseen by a governance body.

Karl provided a rough timeline for the activities that logically follow the signing of the contract currently being negotiated, including development of the detailed project plan. More specific information will be shared with stakeholders once the contract is approved by both parties.

UPDATE

GOVERNANCE PROCESS FOR STATEWIDE E-FILING

Justice Hurwitz

Staff member Stewart Bruner described the linkage between what Karl previously described and the need for a business-centered governance body to oversee the statewide e-filing development and implementation. He stated that a similar approach has been taken in dealing with the two case management system projects currently underway and that it made sense for e-Court to function in the oversight role for statewide e-filing.

Karl Heckart elucidated his vision of teams by level of court to participate in development but added that someone has to act as the tie-breaker or arbiter. He shared the vendor's concern that development not be held up pending circulation of any decision through myriad bodies for approval. The governance body must have the flexibility to meet frequently and yet operate within the bounds of public meeting requirements. Staff will be given that challenge. Justice Hurwitz summarized the general direction for members as needing to meet more frequently during the development of the e-filing system for less time per meeting. He stated that it is acceptable for members to send a representative when not available themselves. He asked staff to investigate using e-mail and conference calls to quickly address questions surfaced by the court-level teams wherever possible. Some things raised to e-Court may still have to go to Commission on Technology (COT) or AJC for approval.

Discussion focused on just how much authority has been delegated to e-Court by COT. Staff will add the topic to the COT agenda for March along with some options for COT to consider and their related consequences.

Upcoming Meeting:

TBD, February 2009 AOC – Conference Room TBD

MEETING ADJOURNED

11:45 AM